

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Yetik SERBEST et al.

Group Art Unit : 2663

Appl. No. : 10/015,809

Examiner : Soon D. HYUN

Filed : December 17, 2001

Confirmation No. : 1299

For : SYSTEM AND METHOD FOR MEASUREMENT-BASED
ADAPTIVE CACHING OF VIRTUAL CONNECTIONS

RESPONSE TO INTERVIEW SUMMARY

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop ISSUE FEE
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Further to the Interview Summary of March 23, 2007, relating to an interview between Applicants' representative, Van C. Ernest of Greenblum & Bernstein, P.L.C., and Examiner Soon D. Hyun, on February 27, 2007, Applicants respond as follows:

Applicants disagree with the Examiner's representation that an agreement was reached to cancel claims 13-15 "to avoid new matter situation." Rather, as stated by Applicants' representative during the interview, Applicants agreed to cancel claims 13-15 merely to advance prosecution of the above-referenced application and to expedite allowance of the 1-12.

As discussed during the interview, Applicants' position is that there is clear and sufficient disclosure in the original specification to support computer readable medium claims (*i.e.*, software claims), and thus claims 13-15 do not raise new matter issues. For

example, the specification describes implementations involving an asynchronous transfer mode (ATM) switching network (e.g., 30), end office switches (e.g., 20, 26), trunk inter-working function (T-IWF) devices (e.g., 22, 24), centralized control and signaling inter-working function (CS-IWF) devices (e.g., 28), Signaling System No. 7 (SS7) signaling, as well as specific SS7 messages (e.g., IAM), and User Network Interface (UNI) signaling, as well as specific UNI signaling messages (e.g., SETUP messages, CONNECT messages, CALL PROCEEDING messages), all of which inherently involve and thus constitute a disclosure of use of computers and/or computer executable software.

Further, as discussed in the interview, the specification expressly incorporates by reference the disclosure of U.S. patent application no. 09/287,092 (now issued U.S. Patent No. 6,169,735) (page 2 of the specification), which expressly discloses that the T-IWF devices and the CS-IWF devices, for example, can be “any combination of hardware and software.” See col. 7, line 64 – col. 8, line 14. This further discloses use of computers and/or computer executable software.

Accordingly, Applicants respectfully disagree with the Examiner’s characterization of claims 13-15 as raising new matter issues. As stated above, Applicants agreed to cancel claims 13-15 merely to advance prosecution of the above-referenced application and to expedite allowance of the 1-12.

Authorization is hereby given to charge any additional fees necessary for consideration of the papers filed herein or maintaining the pendency of this application and refund excess payments to Deposit Account No. 19-0089.

Respectfully Submitted,
Yetik SERBEST et al.

A handwritten signature in black ink, appearing to read 'V-COST' or similar, written over a horizontal line.

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March 29, 2007
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